

EXHIBIT 52

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9 BREAKING CODE SILENCE

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11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**
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14 BREAKING CODE SILENCE, a
California 501(c)(3) nonprofit,

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16 Plaintiff,

17 v.

18 KATHERINE MCNAMARA, an
individual, JEREMY WHITELEY, an
19 individual, and DOES 1 through 50,
inclusive,

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21 Defendants.
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Case No. 2:22-cv-02052-MAA

**PLAINTIFF BREAKING CODE
SILENCE'S AMENDED
RESPONSES TO DEFENDANT
KATHERINE MCNAMARA'S
FIRST SET OF
INTERROGATORIES**

1 Pursuant to Federal Rule of Civil Procedure 33, Plaintiff Breaking Code
2 Silence (“Plaintiff”) hereby provides its amended responses to Defendant Katherine
3 McNamara’s First Set of Interrogatories (the “Interrogatories”) as follows:

4 **GENERAL STATEMENT AND OBJECTIONS**

5 Plaintiff’s responses are subject to the General Objections set forth below.
6 These General Objections form a part of each response to each Interrogatory and are
7 set forth here to avoid the duplication and repetition that would follow from
8 restating them in each response. The General Objections may be specifically
9 referred to in response to the Interrogatories for the purpose of clarity; however, the
10 failure to specifically reference a General Objection in a response should not be
11 construed as a waiver of the objection in connection therewith.

12 1. Plaintiff objects to these Interrogatories to the extent they are
13 overbroad, unduly burdensome, and seek information and documents that are not
14 reasonably calculated to lead to the discovery of admissible evidence.

15 2. Plaintiff objects to these Interrogatories to the extent that they are
16 vague, ambiguous, overbroad, or oppressive, or seek information for which the
17 burden or expense of the proposed discovery outweighs the likely benefit. Any
18 response or production by Plaintiff is not an admission by Plaintiff of the relevance
19 or admissibility of the documents or information produced, and all objections to the
20 further use of any information or documents or to further production are specifically
21 preserved.

22 3. Plaintiff objects to these Interrogatories to the extent that they are not
23 limited to a reasonable time period and are therefore overbroad, seek information for
24 which the burden or expense of the proposed discovery outweighs the likely benefit,
25 and seek information beyond the scope of permissible discovery.

26 4. Plaintiff objects to these Interrogatories to the extent that they seek
27 information and documents that are protected from discovery by the attorney-client
28 privilege and/or attorney work-product doctrine, protected by the right to privacy, or

1 protected by any other applicable privilege or protection. Any inadvertent
2 production of privileged or protected information or documents shall not constitute,
3 or be deemed, a waiver of any applicable statutory, regulatory, common law, or
4 other privilege. Plaintiff reserves the right to demand the return or destruction of
5 any privileged or protected document, copies thereof, and any materials containing
6 information derived therefrom.

7 5. Plaintiff objects to these Interrogatories to the extent that they seek the
8 disclosure of information or documents that contain private, proprietary,
9 confidential, trade secret, sensitive financial, or otherwise protected information.

10 6. Plaintiff objects to these Interrogatories to the extent that they call for
11 speculation because Plaintiff lacks sufficient foundation to provide a response.

12 7. Plaintiff objects to these Interrogatories to the extent that they seek
13 information or documents that: (i) are already in the possession of, or equally
14 available to, Defendants; (ii) are more easily and efficiently obtained from other
15 sources, including from other federal agencies or regulatory bodies; or (iii) are not in
16 the possession, custody, or control of Plaintiff.

17 8. Plaintiff objects to these Interrogatories to the extent that Defendants
18 purport to impose on Plaintiff any obligation different from, or greater than, those
19 set forth in the Federal Rules of Civil Procedure, the Local Rules of the Central
20 District of California, or other applicable rules or standing orders of the Court.
21 Plaintiff is not obligated to, and declines to, comply with any instructions or
22 directions that conflict with the Federal Rules of Civil Procedure, the Local Rules of
23 the Central District of California, or other applicable rules or standing orders of the
24 Court.

25 9. Plaintiff objects to these Interrogatories to the extent that they seek the
26 disclosure of information that calls for an expert witness opinion.

27 10. Plaintiff objects to these Interrogatories to the extent that they seek
28 information that addresses purely legal issues, contains legal conclusions, implies or

1 assumes facts or circumstances which do not or did not exist, or seeks an admission
2 of liability.

3 11. Plaintiff's responses shall not be deemed to constitute incidental or
4 implied admissions. Plaintiff's response to all or any part of a Request should not
5 be taken as an admission that: (i) any particular document or thing exists, is in
6 Plaintiff's possession, custody, or control, is relevant, non-privileged, or admissible
7 in evidence; (ii) any statement or characterization in the Interrogatories is accurate
8 or complete; (iii) Plaintiff's response constitutes admissible evidence; or (iv)
9 Defendant accepts or admits the existence of any alleged fact(s) set forth or assumed
10 by the Interrogatory.

11 12. Plaintiff objects to these Interrogatories to the extent they seek to
12 restrict the facts on which Plaintiff may rely at summary judgment, trial, or any
13 other proceeding in this matter. Discovery has yet to be completed in this case. By
14 responding and objecting to these Interrogatories, Plaintiff does not intend to, and
15 does not, limit the evidence upon which it may rely to support its contentions,
16 denials, and defenses, or to rebut or impeach contentions, assertions, and evidence
17 presented by Defendants. Further, Plaintiff reserves the right to supplement or
18 amend its responses.

19 These General Objections are explicitly incorporated into each of the
20 responses hereinafter provided as if the same were fully set forth therein at length.

21 **RESPONSES TO INTERROGATORIES**

22 **INTERROGATORY NO. 1:**

23 If YOU contend that YOU have suffered harm or damages as a result of
24 DEFENDANTS' conduct:

- 25 (a) Describe the nature and amount of such harm or damages;
- 26 (b) State all facts that support YOUR contention that DEFENDANTS were
27 responsible for the harm or damage;
- 28 (c) IDENTIFY all PERSONS with knowledge of the harm or damages and

1 their cause; and

2 (d) IDENTIFY all DOCUMENTS, including ESI and
3 COMMUNICATIONS, that support the harm or damages and YOUR
4 contention that DEFENDANTS were responsible.

5 **RESPONSE TO INTERROGATORY NO. 1:**

6 In addition to the General Objections set forth above and incorporated herein,
7 Plaintiff objects to this Interrogatory on the ground that it is compound because
8 subparts (b) (facts), (c) (persons), and (d) (documents) constitute three discrete
9 subparts. Plaintiff further objects to this Interrogatory on the ground that it violates
10 Fed. R. Civ. P. 33(a) because, together with the preceding Interrogatories in this set,
11 it is “more than 25 written interrogatories, including all discrete subparts.”

12 Plaintiff further objects to this Interrogatory on the ground that it is overbroad
13 and unduly burdensome because it requires Plaintiff to compile a list of all
14 documents and communications in connection with its response.

15 Subject to and without waiving the foregoing objections, Plaintiff will not
16 respond to this Interrogatory because it is beyond the limits set forth in the Federal
17 Rules of Civil Procedure.

18 **AMENDED RESPONSE TO INTERROGATORY NO. 2:**

19 In addition to the General Objections set forth above and incorporated herein,
20 Plaintiff objects to this Interrogatory on the ground that it is compound because
21 subparts (b) (facts), (c) (persons), and (d) (documents) constitute three discrete
22 subparts. Plaintiff further objects to this Interrogatory on the ground that it violates
23 Fed. R. Civ. P. 33(a) because, together with the preceding Interrogatories in this set,
24 it is “more than 25 written interrogatories, including all discrete subparts.” Plaintiff
25 further objects to this Interrogatory on the ground that it is overbroad and unduly
26 burdensome because it requires Plaintiff to compile a list of all documents and
27 communications in connection with its response. Pursuant to an informal resolution
28 reached by counsel, to avoid a further dispute related to these Interrogatories,

1 Plaintiff agreed to respond through Interrogatory No. 9(a); however, Plaintiff does
 2 not waive its position that many of Defendant's Interrogatories contain discrete
 3 subparts and therefore violate Fed. R. Civ. P. 33(a).

4 Subject to and without waiving the foregoing objections, Plaintiff responds to
 5 Interrogatory No. 9(a) as follows:

6 Defendant's actions, as described in the Complaint, caused Plaintiff to incur
 7 the following category of damages:

- 8 • (1) Time spent by Plaintiff's employees/volunteers/agents investigating
 9 Defendant's actions, determining the extent to which they caused Plaintiff
 10 harm, and/or developing a response:
 - 11 ○ Dr. Vanessa Hughes – 324 hours.
 - 12 ○ Jenny Magill – 368 hours.
 - 13 ○ Jesse Jensen – 112 hours.
- 14 • (2) Time incurred by Plaintiff's lawyers:
 - 15 ○ Tamany Vinson Bentz – 101.6 hours.
 - 16 ○ Jason Lueddeke – 188.1 hours.
 - 17 ○ Benjamin Grush – 121.1 hours.
 - 18 ○ Michael Patrick Brown – 22.9 hours.
 - 19 ○ Jonathan Kintzele – 90.2 hours.
 - 20 ○ Hector Corea – 13.7 hours.
 - 21 ○ Nima Adabi – 17.1 hours.
 - 22 ○ Dennis Kiker – 7.8 hours.

23 Plaintiff is a charitable organization classified as a 501(c)(3) that is primarily
 24 run by volunteers. As a result, Plaintiff is unable to quantify the monetary value of
 25 the amount of time Plaintiff's employees and/or representatives, including Plaintiff's
 26 lawyers, incurred as a result of categories nos. 1 and 2.

- 27 • (3) Defendants' actions which led to the de-indexing Plaintiff's website,
 28 which includes both the www.breakingcodesilence.org and

1 www.breakingcodesilence.com domains) caused Plaintiff to lose substantial
 2 amounts of web traffic, that would have otherwise occurred, to both sites. As
 3 a result of Defendants' actions in the de-indexing, Plaintiff lost potential
 4 donations and the spread of its message. Further amplifying the negative
 5 impact that Defendants' de-indexing actions had, these actions took place at
 6 the same time that Plaintiff was featured on a TV show called *The Doctors*
 7 and when Lifetime was promoting a made-for-TV film based on stories
 8 similar to those in the message that Plaintiff amplified.

9 Plaintiff contends that the damages incurred in category 3 are the subject of
 10 expert opinion, and neither party has designated an expert yet. As a result, Plaintiff
 11 is not yet able to estimate the monetary value of the damages in category 3.

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15 Dated: December 30, 2022

DLA PIPER LLP (US)

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17 By: /s/ Tamany J. Vinson Bentz

18 TAMANY J. VINSON BENTZ

19 JASON LUEDDEKE

20 BENJAMIN GRUSH

21 Attorneys for Plaintiff

22 BREAKING CODE SILENCE
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VERIFICATION

I, Jenny Magill, certify and declare that I have been authorized to make this verification by Plaintiff Breaking Code Silence. I have read the foregoing document and know the contents thereof. To the extent that I have personal knowledge of the factual information contained therein, the same is true and correct. Insofar as said facts are based on a composite of information from documents or information obtained from representatives of Plaintiff Breaking Code Silence, I do not have personal knowledge concerning all of the information contained in said responses, but I am informed and believe that the information set forth therein for which I lack personal knowledge is true and correct.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed on December 30, 2022 at Centennial, Colorado.

A handwritten signature in cursive script, reading "Jenny Magill", is written over a horizontal line.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 2000 Avenue of the Stars, 4th Floor, North Tower, Los Angeles, California 90067-4735.

On **December 30, 2022**, I served the foregoing document described as:

**PLAINTIFF BREAKING CODE SILENCE'S AMENDED RESPONSES
TO DEFENDANT KATHERINE MCNAMARA'S FIRST SET OF
INTERROGATORIES**

on the interested parties in this action by placing the original ☐ a true copy(ies) ☒ thereof enclosed in a sealed envelope ☐ as stated below ☒.

Catherine A. Close
JULANDER BROWN BOLLARD
9110 Irvine Center Drive
Irvine, California 92618
Tel: (949) 477-2100
Fax: (949) 477-6355
E-mail: cac@jbblaw.com
Attorney for Defendant, Katherine McNamara

☐ **(BY U.S. MAIL)** The envelope was mailed with postage thereon fully prepaid. As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **(BY OVERNIGHT DELIVERY)** I enclosed the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the respective address(es) of the party(ies) stated above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

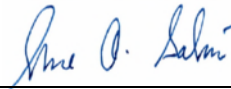
1 ☒ **(BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION.** I
2 caused the document(s) to be sent to the respective e-mail address(es) of the
3 party(ies) as stated above. I did not receive, within a reasonable time after the
4 transmission, any electronic message or other indication that the transmission
was unsuccessful.

5 ☒ **(FEDERAL)** I declare that I am employed in the office of a member of the
6 bar of this court at whose direction the service was made.

7 Executed on **December 30, 2022**, at San Francisco, California.

8
9 Anne O. Salano

10 [Print Name Of Person Executing Proof]



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[Signature]